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Attorney Docket No.: MED03-11

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Charles D. Lennox, Steven M. Johnson, Susan Beinor, Maria Benson, Don Paul Nogueira, John W. Carroll, and Helen Maslocka  
Serial No.: 10/706,327  
For: METHOD AND DEVICE FOR RAPIDLY INDUCING AND THEN MAINTAINING HYPOTHERMIA  
Filing Date: November 12, 2003  
Examiner: Johnson III, Henry M.  
Art Unit: 3739  
Conf. No.: 6437

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**Certificate of Mailing Under 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: March 16, 2005

By: Farah Z. Frasco

(Typed or printed name of person mailing  
Document, whose signature appears below)

Signature: \_\_\_\_\_

**MAIL STOP AMENDMENT**

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

**TRANSMITTAL LETTER**

Sir:

Enclosed is/are:

- ☒ Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- ☒ Restriction Requirement, Total Pages: 3;
- ☒ Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- ☒ Authorization to charge Deposit Account No. 50-0901, if required.

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|  | <b>Claims<br/>Remaining<br/>After<br/>Amendment</b> | <b>Highest No.<br/>Previously<br/>Paid For</b> | <b>Present<br/>Extra</b> | <b>Rate</b> | <b>Additional<br/>Fee</b> |
|--|---|--|--------------------------|-------------|---------------------------|
| Total Claims                                   | 56  | 56   | 0                        | X \$50.00   | = \$ 0.00                 |
| Independent<br>Claims                          | 9   | 9  | 0                        | X \$200.00  | = \$0.00                  |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b> |   |  |                          |             | <b>= \$0.00</b>           |

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-090.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

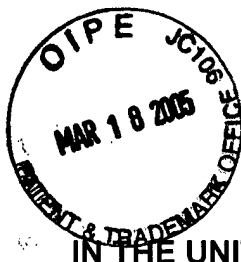
Respectfully submitted,



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(Typed or printed name of person mailing  
Document, whose signature appears below)

Signature: Farah Z. Frasco

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**MAIL STOP AMENDMENT**  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This paper is responsive to the Restriction Requirement mailed on February 16, 2005, in connection with the above-identified Application.

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The Restriction Requirement contends that the Application discloses two groups of inventions: Group I – Claims 1-40 and 43-56 drawn to thermal body applicators and Group II – Claims 41-43. The Restriction Requirement further contends that if Group I is elected, a species election is also required. As recited in the Restriction Requirement, Group I contains distinct species of the claimed invention:

Species 1 shown by embodiment 1 in Figures 3&4.

Species 2 shown by embodiment 2 in Figures 13&14.

Species 3 shown by embodiment 3 in Figure 16.

Species 4 shown by embodiment 4 in Figure 17.

Species 5 shown by embodiment 5 in Figure 18.

Species 6 shown by embodiment 6 in Figure 19.

Species 7 shown by embodiment 7 in Figure 20.

Species 8 shown by embodiment 8 in Figure 21.

Species 9 shown by embodiment 9 in Figures 23.

Species 10 shown by embodiment 10 in Figure 26.

Species 11 shown by embodiment 11 in Figures 29&30.

Species 12 shown by embodiment 12 in Figure 32.

Species 13 shown by embodiment 13 in Figure 39.

The Restriction Requirement states that if Group I is selected, a species election is also required.

The Applicants hereby elect, without traverse, Group I, Species 1. The claims readable on Group I, Species 1 include claims 1, 2, 20, 21, 39, 40, 45, 46, 49, 50, 53, 54, 55, and 56.

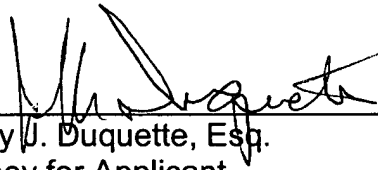
The Applicants expressly reserve the right to pursue Group I, Species 2-13 and Group II, which are the non-elected Embodiments, in one or more related Applications.

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An early and favorable communication is hereby earnestly requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is requested to call the Applicants' Representative collect at (508) 366-9600, in Westborough, Massachusetts.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

Respectfully submitted,



Jeffrey J. Duquette, Esq.  
Attorney for Applicant  
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Attorney Docket No.: MED03-11

Dated: March 18, 2005